

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS
(Jointly Administered)

THE COMMONWEALTH OF PUERTO RICO,
et al.,

Debtors.

-----X

In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3284-LTS

PUERTO RICO SALES TAX FINANCING
CORPORATION (COFINA),

Debtor.

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**INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF INDIVIDUAL COFINA BONDHOLDER (CLAIM NO. 10701)
TO FOMB AND COFINA**

June 19, 2019

PLEASE TAKE NOTICE THAT, pursuant to Rules 7033 and 7034 of the Federal Rules of Bankruptcy Procedure, incorporating by reference Rules 33 and 34 of the Federal Rules of Civil Procedure, Financial Oversight and Management Board (“FOMB”) as Representative of the Puerto Rico Sales Tax Financing Corp. (“COFINA”), Puerto Rico Sales Tax Financing Corp., and Financial Oversight and Management Board as Representative of the Commonwealth of Puerto Rico (the “Commonwealth”), are required within thirty (30) days of the service hereof, to produce the documents requested by, and to answer in writing and under oath the following interrogatories propounded by, Peter C. Hein (Claimant in No. 10701).

Request for Production of Documents

1. Produce the determination the IRS provided to COFINA on or about May 15, 2019. (This determination is referred to in an “Event Notice” disseminated by or on behalf of COFINA on or about May 15, 2019 (¶ 3 of that Event Notice).)
2. Produce the closing agreement COFINA and the IRS entered into on or about May 15, 2019. (This closing agreement is referred to in the COFINA June 10, 2019 Exchange Offer (page 1), the June 10, 2019 COFINA Information Statement (page 1 and 60), and the COFINA June 10, 2019 Q&A page 5 (response to Q 11).)
3. Produce the private letter ruling or closing agreement request filed by COFINA with the IRS on or about December 14, 2018. (This is referred to in the COFINA June 10, 2019 Q&A, page 5 (response to Q 11) and the “tax exemption implementation agreement” dated February 12, 2019 that COFINA entered into (Clause “E”).)
4. Produce any documents that any person submitted to the IRS, or any other government office or agency, in support of the request referenced in Request 3 above.

5. Produce any documents that reflect or refer to the transmittal of any drafts, preliminary or final versions of one or more of the documents requested in Request 1, 2, or 3, above, to any person who is or was a bondholder or attorney or other representative of a bondholder.

6. Produce any documents that reflect or refer to the transmittal of any drafts, preliminary or final versions of one or more of the documents requested in Request 1, 2 or 3 above, to any person who is **not** an employee, officer, attorney for, or agent of, FOMB, COFINA, the Commonwealth or the IRS.

Interrogatories

INTERROGATORY NO. 1: State whether any bondholder or attorney or other representative of a bondholder has been provided one or more copies, in any form, of the:

- (a) determination referred to in Request 1,
- (b) closing agreement referred to in Request 2,
- (c) the private letter ruling or closing agreement request referred to in Request 3 above, or
- (d) drafts, preliminary versions of, portions of, or extracts from, any of the foregoing.

If the answer to (a), (b), (c) or (d) is “yes”, identify each such person, describe the date and circumstances under which each such document or portion thereof was provided to such person, and produce all documents reflecting the Communications related thereto.

INTERROGATORY NO. 2: State whether any person who is **not** an employee, officer, attorney for, or agent of, FOMB, COFINA, the Commonwealth or the IRS has been provided one or more copies, in any form, of the:

- (a) determination referred to in Request 1,
- (b) closing agreement referred to in Request 2,

- (c) the private letter ruling or closing agreement request referred to in Request 3 above, or
- (d) drafts, preliminary versions of, portions of, or extracts from, any of the foregoing

If the answer to (a), (b), (c) or (d) is "Yes", identify each such person, describe the date and circumstances under which each such document or portion thereof was provided to such person, and produce all documents reflecting the Communications related thereto.

INTERROGATORY NO. 3: Is there any agreement with any party, or other restraint imposed by any party, that prohibits You from producing a copy of any of the documents referred to in Requests for Production No. 1, 2, 3 or 4 above.

If your answer is "Yes," (a) produce a copy thereof (if written) or describe it (if oral), (b) specify who requested such agreement or other restraint and under what circumstances such agreement or restraint was requested, (c) state whether You requested or suggested such agreement or restraint, and (d) describe and produce all Communications related thereto.

INTERROGATORY NO. 4: Identify by date and participants, and describe, each Communication that took place prior to February 12, 2019, with any bondholder or attorney or other representative of a bondholder concerning (i) the "tax exemption implementation agreement" dated February 12, 2019, or (ii) the request referred to in Request for Production No. 3 above, and produce the documents reflecting each such Communication.

INTERROGATORY NO. 5: State the name of the person(s) answering these Interrogatories and their telephone number, email address, and physical address.

Definitions

1. "Communication(s)" or "communication(s)" shall mean any contact, oral or written, including electronic, whereby information of any nature is transmitted or transferred,

including without limitation, a Person(s) seeing or hearing any information by any means and any Document memorializing or referring to the contact.

2. The terms "Document," "Documents," "document," and "documents" are used in their broadest possible sense and refer, without limitation, to all written, electronically stored, printed, typed, photostatic, photographed, recorded, or otherwise reproduced communications or records of every kind and description, whether comprised of letters, words, numbers, pictures, sounds, or symbols, or any combination thereof, whether prepared by hand or by mechanical, electronic, magnetic, photographic, or other means, and including audio or video recordings of communications, occurrences or events. The terms "Document" and "Documents" shall include all preliminary versions, drafts or revisions of the foregoing, and all copies of a Document shall be produced to the extent that the copies differ from the Document produced due to notations, additions, insertions, comments, enclosures, attachments or markings of any kind.

3. "Including" means including, but not limited to.

4. "Person(s)" shall mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a Person shall include the acts of directors, officers, owners, members, employees, agents, attorneys or other representatives acting on the Person's behalf.

5. "You," "Your," "you," or "your" means either COFINA or FOMB including employees, officers, attorneys for or agents of COFINA or FOMB.

Instructions

1. Pursuant to Rule 7033, you are to furnish all information available to You and to Your agents, employees and attorneys in answering the Interrogatories. You are to designate which of such information is not within your first-hand knowledge, and as to that information

you are to state the name and address of every person from whom it was received, or, if the source of the information is documentary, a full description of the document including the location thereof.

2. Pursuant to Rule 7033, you are not to leave any part of an Interrogatory unanswered merely because you may object to another part of that Interrogatory. If you raise a claim of privilege and/or an objection to any Interrogatory, or any subpart thereof, and an answer is not provided on the basis of your assertion of that objection, you must identify the nature of the privilege or reasons for nondisclosure asserted and provide the following information:

A. For documents:

- (1) the reasons for withholding the document;
- (2) a statement of the basis for the claim of privilege, work product protection or other ground for non-disclosure; and
- (3) a brief description of the document, including:
 - (a) the date of preparation of the document and any date identified on the document;
 - (b) its number of pages, attachments and appendices;
 - (c) the name or names of its authors or preparers and an identification by employment and title of each such person;
 - (d) the name of each person who was sent, shown, or blind or carbon copied on the document, or who has had access to or custody of the document, together with an identification of each such person;
 - (e) the present custodian; and
 - (f) its subject matter and, in the case of any document referring or relating to a meeting or conversation, an identification of such meeting or conversation.

B. For oral communications:

- (1) the name of the person making the communication and the name of all persons present while the communication was made, and, where not apparent, the relationship of the persons present to the person making the communication;

- (2) the date and place of the communication; and
- (3) the general subject matter of the communication.

3. If you answer any Interrogatory by reference to records from which the answer may be derived or ascertained, you must:

- A. specify the document to be produced in sufficient detail to permit the propounder of these Interrogatories to locate and identify the records and to ascertain the answer to the Interrogatory as readily as you would be able to ascertain the answer to the Interrogatory;
- B. make available any computerized information or summaries thereof that you have, or can adduce by a relatively simple procedure;
- C. provide compilations, abstracts or summaries in your custody or readily obtainable by you; and
- D. make available such documents for inspections and copying within thirty (30) days after service of answers to this First Set of Interrogatories.

4. If any document requested herein was at one time in existence, but has been lost, discarded or destroyed, identify in writing each such document and provide the following information:

- A. the date it was lost, discarded or destroyed;
- B. the circumstances and manner in which it was lost, discarded or destroyed;
- C. the reason for disposing of the document (if discarded or destroyed);
- D. the identity of all persons authorizing or having knowledge of the circumstances surrounding the disposal of the document;
- E. the identity of the person(s) who lost, discarded or destroyed the document; and
- F. the identity of all persons having knowledge of the contents thereof.

5. Unless another time period is encompassed by the Interrogatory, each Interrogatory refers to and includes the period from May 5, 2017 through the date of your response to that Interrogatory.

6. If in response to an Interrogatory, you do not know all the facts necessary to provide a complete answer, you should provide such facts as are known to you and any

estimates, approximations or beliefs that you consider reliable. Any such estimates, approximations or beliefs should be clearly noted, and the basis for your belief and the reliability thereof should be explained. Specify the portion of the Interrogatory that you claim you are unable to answer fully and completely, and state what knowledge, information or belief you have concerning the unanswered portion of the interrogatory. If the information sought is in the possession of a person other than you, identify that person.

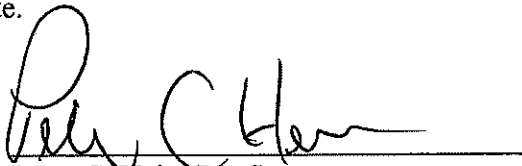
7. All Interrogatories and subdivisions thereof should be answered separately and identified so that the answer clearly corresponds to the Interrogatory or subdivision to which the answer is being offered.

8. Where an Interrogatory does not specifically request a particular fact or particular information, but where such fact or information is necessary to make the answer to the Interrogatory comprehensible, complete or not misleading, the Interrogatory is deemed to request such fact or information.

9. The Interrogatories set forth herein are to be answered to the extent of all information that is or may be available to you or to any other person or entity who has acted or is now acting on your behalf.

10. Pursuant to Rule 7033, these Interrogatories are deemed continuing in nature and require supplemental responses in the event you obtain information that renders the answers supplied in any way incomplete or inaccurate.

Dated: June 19, 2019




Peter C. Hein, Pro Se
101 Central Park West, Apt. 14E
New York, NY 10023
petercheinsr@gmail.com

CERTIFICATE OF SERVICE

I have caused to be served a copy of Interrogatories of Individual COFINA Bondholder (Claim No. 10701) to FOMB and COFINA by email (or by hand or by U.S. mail, if no email address is listed) to each of the parties or their attorneys on the attached service list.

Dated: June 19, 2019


Peter C. Hein

(i) Counsel for the Oversight Board:

Proskauer Rose LLP
Eleven Times Square
New York, New York 10036-8299

Attn: Martin J. Bienenstock
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(ii) Counsel listed on the attachments hereto, by email:

----- Forwarded message -----

From: <PeterCHeinSr@gmail.com>

Date: Sat, Jun 15, 2019 at 2:18 PM

Subject: 17 BK 3283-LTS - Response to Docket #7137 and #7154

To: <mbienenstock@proskauer.com>, <brosen@proskauer.com>, <ppossinger@proskauer.com>, <ebarak@proskauer.com>, <mzerjal@proskauer.com>, <lucdespins@paulhastings.com>, <jamesbliss@paulhastings.com>, <andrewtenzer@paulhastings.com>, <michaelcomerford@paulhastings.com>, <jamesworthington@paulhastings.com>, <alexbongartz@paulhastings.com>

Cc: Peter Hein <petercheinsr@gmail.com>

----- Forwarded message -----

From: <petercheinsr@gmail.com>

Date: Sat, Jun 15, 2019 at 2:23 PM

Subject: 17 BK 3283-LTS - Response to Docket #7137 and #7154

To: <Gerardo.Portela@aafaf.pr.gov>, <Mohammad.Yassin@aafaf.pr.gov>, <jrapisardi@omm.com>, <suhland@omm.com>, <pfriedman@omm.com>, <mitchelln@omm.com>, <mdiconza@omm.com>, <lmariini@mpmlawpr.com>, <cvelaz@mpmlawpr.com>, <malvarez@mpmlawpr.com>, <mbienenstock@proskauer.com>, <ppossinger@proskauer.com>, <herman.bauer@oneillborges.com>, <ebarak@proskauer.com>, <mzerjal@proskauer.com>, <lucdespins@paulhastings.com>, <jamesbliss@paulhastings.com>, <jamesworthington@paulhastings.com>, <alexbongartz@paulhastings.com>, <jcasillas@cstlawpr.com>, <dbattle@cstlawpr.lcom>, <aanases@cstlawpr.com>, <emontull@cstlawpr.com>, <rgordon@jenner.com>, <rlevin@jenner.com>, <csteage@jenner.com>, <ajb@bennazar.org>, <Monsita.lecaroz@usdoj.gov>, <ustp.region21@usdoj.gov>

Cc: Peter Hein <petercheinsr@gmail.com>

----- Forwarded message -----

From: <PeterCHeinSr@gmail.com>

Date: Sat, Jun 15, 2019 at 2:21 PM

Subject: 17 BK 3283-LTS - Response to Docket #7137 and #7154

To: Goldstein, Irena <irenagoldstein@paulhastings.com>, <DFioccola@mofo.com>, <kurt.mayr@bracewell.com>, <rachel.goldman@bracewell.com>, <david.ball@bracewell.com>, <david.lawton@bracewell.com>, <shannon.wolf@bracewell.com>, <susheelkirpalani@quinnemanuel.com>, <marcia.goldstein@weil.com>, <kelly.dibiasi@weil.com>, <gabriel.morgan@weil.com>, <jonathan.polkes@weil.com>, <gregory.silbert@weil.com>, <jared.friedmann@weil.com>, <AMiller@milbank.com>, <GMainland@milbank.com>, <dburke@robbinsrussell.com>, <mstancil@robbinsrussell.com>, <donald.bernstein@davispolk.com>, <brian.resnick@davispolk.com>, <angela.libby@davispolk.com>, <JPeck@mofo.com>, <GLee@mofo.com>, <gesposito@mofo.com>, <mark.ellenberg@cwt.com>, <ACaton@kramerlevin.com>, <TMayer@kramerlevin.com>, <NBello@kramerlevin.com>, <BOneill@kramerlevin.com>, <kzeituni@paulweiss.com>, <arosenberg@paulweiss.com>, <DBuckley@kramerlevin.com>, <jeff.bjork@lw.com>, <christopher.harris@lw.com>, <adam.goldberg@lw.com>, <liza.burton@lw.com>, <Casey.Servais@cwt.com>, <Csteege@jenner.com>, <rgordon@jenner.com>, <lralford@jenner.com>, <deborahnewman@quinnemanuel.com>, <dblabey@kramerlevin.com>, Bassett, Nicholas <nicholasbassett@paulhastings.com>, Bliss, James R. <jamesbliss@paulhastings.com>, <APapalaskaris@brownrudnick.com>, <SBeville@brownrudnick.com>, <EWeisfelner@brownrudnick.com>, <TAxelrod@brownrudnick.com>, Peter Hein <petercheinsr@gmail.com>, <RSierra@brownrudnick.com>, Despina, Luc A. <lucdespins@paulhastings.com>
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